Mr. A. Sivarama Menon *(Mulakunnathukavu).*—'Such' need not be there. With regard to re-registration it may be given to all. No restriction need be placed by the word 'such'.

Mr. President.—So far as Mr. Eachara Menon's amendment is concerned, it is the correct form.

Mr. A. Sivarama Menon *(Mulakunnathuka.vu).*—I am not in favour of the amendment as it is. It is better to oppose the amendment in view of the opinion expressed here. I was only trying to give a chance to any tarwad that wanted to get itself registered as impartible.

Mr. A. Eachara Menon *(Chittur Rural).*—I do not press it.

Amendment was by leave withdrawn.

Section 67 was put and carried.

Sections 68 to 75 were put and carried.

Section 1 was put and carried.

The Title and Preamble were put and carried.

Mr. P. Govinda Menon *(Adur).*—Sir, I move that the Bill may be taken up and finally passed tomorrow.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—I second it.

Motion was put and carried.

The Cochin Marumakkathayam Bill.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Mr. President, Sir, I beg to present the Select Committee report on the Cochin Marumakkathayam Bill* and move that the bill as reported by the Select Committee be taken up for consideration:

In doing so, I wish to make a few observations. The Marumakkathayi community forms a good percentage of the population of the State. The different sections of the community following marumakkathayam are the Nairs, the

* Vide Appendix 1.

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marumakkathayi Thiyyas and a few others the great bulk of which is known by the name of Ambalawasis. None of these had any codified law till about 20 years back. All these communities in fact, were following the customary law of Malabar. The first attempt at legislation for these communities especially the Nairs, the most important among them, was taken up about 20 years back and as a result of the labours of a Commission that sat upon the Nair Regulation, we have the present Nair Act, XIII of 1095 evidently enacted before the inauguration of this Council. The matter of codifying the laws relating to the other Marumakkathayi Communities was taken up soon after the inauguration of this Council. The representative of the Thiyyas is seen to have sucessfully piloted a Bill for the Marumakkathayi Thiyyas and they have now a codified law. Regarding the other Communities following the marumakkathayam system—they are mainly Ambalavasis—this Council seems to have taken up the matter even from the beginning and we find that even in the very first Council, an attempt was made for a legislation for them, by the then Hon'ble member representing Cranganur, the late Mr. Nandialath Padmanabha Menon. The attempt however did not get beyond the stage of leave granted. It stopped there probably because of the untimely demise of Mr. Menon soon afterwards. The Council is seen to have taken up this case again when an Hon'ble Member no less than our present Secretary to Government who was than representing Vellarapilly brought forward a bill and the ever active member for Nellayi also is seen to have interested himself in this behalf. But in these cases the attempt stopped with leave being obtaind to introduce the Bill. I do not know why the attempt was left there. The third is the humble attempt made by me which seems to have started under good auspices. We have passed through all the preliminary stages. Under the indefatigable labours of the energetic Chairman of the Select Committee the Hon'ble Revenue Member. We were able to go through the process of collecting evidence in a comparatively short period and it is a result of the labours of that Committee, that I have now placed before this house for consideration. This Bill had various advantages to begin with. This is a Bill that had the benefit of circulation amongst the public for eliciting opinion although our Legislative Council Enactment did not at that time contain any provision in that behalf. That was done purely by the good offices of the executive and a large volume of opinion from the leading men of the community affected by the Bill was collected. These were then circulated amongst the Hon'ble Members months back. It was after this that this House was pleased to

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send this Bill to a Select Committee. The Committee not being satisfied with the opinion collected by circulation decided to take evidence in a few representative centres and actually took evidence at five centres in various parts of the State. It is gratifying to note Sir that even a few ladies belonging to the various communities that would be affected by this Bill, were pleased to come forward to give evidence before the Committee not to speak of the great response from the menfolk of Marumakkathayis. The evidence thus collected by us mainly fell under three categories. There is the first which represented the extreme view. A few persons wanted to introduce individual partition straight-a-way. They also wanted that all the properties of a father dying intestate should go to the children only and not to his other heirs. Their number however is comparatively very small. There was yet another small number of persons in the communities who said that no sort of legislation was necessary, although even such persons have admitted the necessity or desirability of having legislation on certain matters, if only the question of partition was left un-touched. In between these two extreme schools of thought there was a third category which formed the largest section forming the moderates of the communities affected.

(*At this stage the Deputy President occupied the Chair*)

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).— They these moderates did not like Sir, the idea of having any out-right partition, to start with or the whole property of the father to go to the children. But they were satisfied with having for the community a legislation on the lines of the existing Nair Regulation XIII of 1095. After bestowing their best thought on the opinion thus collected from the different schools of thought as also after going through the written communications addressed to them by men of light and learning in the community, the Select Committee came to the conclusion that to start with it is enough to adopt the modest recommendations of the existing Nair Regulation enacted seventeen years back. I concede, Sir, that the report is not sufficiently progressive. But the majority opinion seemed to favour that view and the bill as reported by the Select Committee is one very much whittled down from the Bill which this House sent to the Select Committee. Our justification is that we wanted to give weight to the majority opinion prevailing in the community. The Bill as it has emerged from the Committee, now contain certain important provisions regarding prohibition of polygamy, dissolution of marriages and payment of compensation to the wife

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or divorce. There are also provisions in the Bill for the maintenance of wife and children by the husbands maintenance of all the members of the tarawad by the Karanavan whether they live in their family house or outside. There are again provisions which lay down certain rules for the guidence of the Karanavan and placing limitation on his powers of borrowing on the strength of tarawad properties and alienating them. Then again there are provisions in the bill which confer rights in the property of the father dying intestate to the children although it is not to the full extent. It is thus a bill very much whittled down in its scope by the Select Committee, Sir, that is placed before this Hon'ble House consisting of members of various communities who have personal laws of their own. This is a modest measure which will codify the law relating to the remaining sections of the Marumakkathayi community, the major part of which the the Nairs have already got a Nair Regulation and for the Marumakkathayi Thiyyas a bill has already been passed by this Council. Therefore I have reasons to expect, Sir, that this bill will have the whole-hearted support not only of the non-officials, but also of Government who were pleased to pass the other two bills, the Nair Bill, even at a time when there was no Legislative Council and the Tiyya Bill subsequent to the inauguration of this Council. I therefore commend the Bill for consideration and expect a unanimous vote of the House for its second reading.

Mr. E. Ikkanda Warriar *(Urakam).*—Sir, as a member of the Community who is going to be immediately benefited by this bill, I have great pleasure to second the motion.

Motion was put and carried.

Deputy President.—There are no amendments to this Bill. So I am going to put it for the vote of the House.

Sections 2 to 89 were put and carried.

Section 1 was put and carried.

The Title and Preamble were put and carried.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*—I move that the Bill be taken up and finally passed tomorrow.

Mr. C. R. Iyyunni *(Trichur South).*—I second the motion.

Motion was put and carried.

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